

**NIXON PEABODY LLP**

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Franchising, LLC, Michael Miller, Susan  
Wise and Bill Endres (misidentified as Bill  
Endress)

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**MARK C. MEADE,**

Plaintiff,

- v -

**KIDDIE ACADEMY DOMESTIC  
FRANCHISING, et. al.**

Defendants.

**DEFENDANTS' NOTICE OF MOTION  
TO DISMISS COMPLAINT**

Case No. 2:11-cv-00900 DMC-JAD

TO: Mark C. Meade  
5 Heritage Road  
Florham Park, NJ 07932  
*Pro Se Plaintiff*

**PLEASE TAKE NOTICE** that on April 18, 2011, or as soon as counsel may be heard, the undersigned attorneys for Defendants will move before the Honorable Dennis M. Cavanaugh, at the Martin Luther King, Jr. U.S. Courthouse and Federal Building, 50 Walnut Street, Newark, NJ 07101, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendants' Motion to Dismiss Plaintiff's Complaint in its entirety because Plaintiff lacks standing to bring the claims, the Complaint states no cognizable claims, and the express

provisions, waivers and disclaimers in applicable contracts and agreements bar the claims. In addition, Defendants' claim this is the improper forum and venue for this action.

In support of this motion, Defendants submit a Memorandum of Law in Support of Defendants' Motion to Dismiss and the Declaration of Craig R. Tractenberg, Esq., which authenticates the Franchise Agreement referenced in the Complaint.

Pursuant to L. Civ. R. 7.1(d)(2), Plaintiff must file any opposition to this motion within fourteen (14) days prior to the motion return date.

A proposed form of Order is being submitted to the Court in connection with this motion in accordance with L. Civ. R. 7.1(e)(1), and movant respectfully requests that the Court entr the proposed form of Order.

DATED: March 17, 2011

**NIXON PEABODY LLP**

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